

August 6, 1987

CONGRESSIONAL RECORD — Extensions of Remarks

E 3305

gram—initially proposed by the administration and included in both the House of Representatives and Senate's trade legislation. Therefore, I urge the committee and Congress to act promptly in providing funds for this new program upon its enactment.

One other program on which the committee deferred action was the Work Incentive Program [WIN]. Again, I understand the committee's action in this case is in anticipation of enactment of welfare reform legislation, which will significantly restructure the work component of welfare. If for some reason a welfare reform package does not become reality this year, let me urge the committee and Congress to stand ready to quickly provide proper funding for the WIN Program through fiscal year 1988.

DEFENSE INTELLIGENCE COMMERCIAL ENTITIES ACT

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. IRELAND. Mr. Speaker, I have introduced the Defense Intelligence Commercial Entities Act to provide for improvements in cover for the foreign intelligence collection activities of the Department of Defense. The legislation is substantially similar to H.R. 3963 of the 99th Congress, which was introduced by our former colleague Bill Whitehurst of Virginia.

For the past 3 years, the Secretary of Defense and the Director of Central Intelligence have requested legislation to permit the Department of Defense to establish commercial entities to provide cover for defense foreign intelligence collection activities, particularly for use in those areas of the world in which other types of cover are either not available or not effective.

The legislation I have introduced provides the authority requested by the executive branch, with addition of appropriate safeguards to ensure effective and proper use of the authority and effective oversight of its use.

The section-by-section explanation of the legislation follows:

DEFENSE INTELLIGENCE COMMERCIAL ENTITIES ACT—SECTION-BY-SECTION EXPLANATION

The bill consists of two sections. Section 1 provides that the short title of the Act is the "Defense Intelligence Commercial Entities Act." Section 2(a) enacts a new subchapter II in chapter 21 of Title 10 of the United States Code to provide cover for Department of Defense foreign intelligence collection activities through the establishment and operation of commercial entities. Section 2(b) provides that amendments to Title 10 made by the legislation take effect ninety days after enactment of the legislation, except for the provision for implementing regulations, which takes effect upon enactment.

The provisions of subchapter II of chapter 21 of Title 10 of the United States Code (consisting of Sections 431 through 439) enacted by Section 2(a) of the bill are explained below.

SECTION 431

Section 431(a)(1) grants to the Secretary of Defense the authority to establish and operate commercial entities to provide cover for foreign intelligence collection activities

of the Department of Defense (DOD) in accordance with the provisions of the subchapter. Such commercial entities will conceal foreign intelligence collection activities under cover of the overt function of the commercial entity. The legislation refers to such a DOD entity as an "intelligence commercial entity."

The legislation authorizes establishment of intelligence commercial entities only to provide cover for and to engage in DOD foreign intelligence activities, and does not authorize establishment of such entities to provide cover for or to engage in any intelligence activities other than foreign intelligence collection activities. Thus, for example, DOD may not establish such entities to provide cover for or to engage in counterintelligence operations (as distinguished from the collection of counterintelligence information) or covert action, or to provide cover for or to engage in non-intelligence DOD activities.

Section 431(a)(2) provides that the Secretary of Defense may initially authorize the establishment and operation of an intelligence commercial entity for any period not to exceed two years. At the expiration of a previously authorized period for operation of such an entity, the Secretary may renew the authority to operate the entity for an additional period not to exceed two years. The number of successive periods for which the Secretary may authorize operation of such an entity is not limited.

Section 431(b) provides that the Secretary may not authorize establishment and operation of an intelligence commercial entity, or renew authority to operate such an entity, unless the Attorney General and the Director of Central Intelligence concur and the Secretary certifies in writing that operation of the entity is essential to the conduct of an authorized foreign intelligence collection activity of the Department of Defense.

The requirement for the concurrence of the Attorney General ensures an independent high-level legal review of plans for establishment and operation of an intelligence commercial entity, and ensures the harmony of the plans with the intelligence, counterintelligence, and law enforcement functions of components of the Department of Justice. The requirement for the concurrence of the Director of Central Intelligence ensures that the plans will be consistent with national intelligence needs and ensures the harmony of the plans with the intelligence, counterintelligence, and special activities of other elements of the U.S. intelligence community.

To authorize establishment and operation of an intelligence commercial entity, or to renew authority to operate such an entity, the Secretary of Defense must certify in writing that operation of the entity is essential to the conduct of an authorized foreign intelligence collection activity of the Department of Defense. Thus, the Secretary may authorize establishment and operation of an entity, or renew authority to operate an entity, only when no reasonable and effective alternative method exists for carrying out an authorized DOD foreign intelligence collection activity.

Section 431(c) provides that the Secretary of Defense may terminate an intelligence commercial entity at any time. The Secretary's authority to terminate an entity is not conditioned upon any concurrence or certification.

The grant of authority to the Secretary of Defense to establish intelligence commercial entities to provide cover for DOD foreign intelligence collection activities does not affect any authority for the Department of Defense to obtain cover or other support for

its foreign intelligence collection activities from other Federal agencies.

SECTION 432

Section 432 grants to the Secretary of Defense authority to acquire, use, and dispose of property and services needed in the establishment, operation, and termination of intelligence commercial entities. The broad authority granted ensures that the Secretary can provide the necessary administrative support for such entities.

In addition to requiring administrative support common to any government instrumentality, such as workspace, equipment, and personal services, an intelligence commercial entity will require special administrative support due to its commercial function and appearance. Thus, for example, such an entity may require private legal services, commercial and occupational licenses, private liability insurance, and private banking services. Section 432 ensures that the Secretary can meet the full range of administrative support needs of an intelligence commercial entity, including its unusual needs that stem from its ostensibly commercial status.

The authority granted by Section 432 is independent of, and in addition to, any other acquisition, use, or disposal authority available to the Secretary of Defense.

SECTION 433

Section 433 ensures that the handling and use of funds in connection with intelligence commercial entities will be consistent with the ostensible commercial status of those entities.

Section 433(a) permits the Secretary of Defense to establish and maintain commercial banking accounts in the establishment, operation, and termination of intelligence commercial entities. The authority to use commercial banking services applies both with respect to appropriated funds used in connection with an intelligence commercial entity and with respect to funds generated by the commercial activities of that entity.

Section 433(b) permits use of funds generated by the commercial activities of an intelligence commercial entity to offset the necessary and reasonable expenses incurred by that entity. The funds generated by a particular entity may only be used to offset the expenses of that particular entity.

Section 433(c)(1) provides that funds generated by an intelligence commercial entity that are no longer needed for the conduct of the intelligence or commercial activities of that entity shall be remitted to the Treasury as miscellaneous receipts.

Section 433(c)(2) provides for the disposition of the proceeds which result from the termination of an intelligence commercial entity. After all outstanding obligations of the entity are met, the remaining proceeds shall be deposited in the Treasury as miscellaneous receipts.

Section 433 displaces several limitations contained in Section 3302 of Title 31 of the United States Code on governmental use of funds. Observance of those limitations would be inconsistent with the ostensible commercial status of intelligence commercial entities.

SECTION 434

Section 434(a) provides that establishment, operation, and termination of an intelligence commercial entity; acquisition, use, or disposition of property and services with respect to such an entity; and deposit, withdrawal, and use of funds with respect to an entity shall be carried out in accordance with prevailing commercial practices, consistent with the protection of intelligence

sources, methods, and activities from unauthorized disclosure.

To maintain its usefulness as a cover for foreign intelligence collection activities, an intelligence commercial entity must maintain commercial credibility. The entity must appear to anyone who scrutinizes it to be a bona fide commercial entity, rather than an instrumentality of the United States Government. Accordingly, the entity must conduct its commercial activities in the same manner as would a private sector commercial entity. Circumstances may arise, however, in which observing prevailing commercial practices would not be consistent with the protection of intelligence sources, methods, and activities from unauthorized disclosure, and in such cases prevailing commercial practices would not be observed, because the protection of intelligence sources, methods, and activities is of paramount importance.

Section 434(b) provides that establishment, operation, and termination of an intelligence commercial entity; acquisition, use, or disposition of property and services with respect to such an entity; and deposit, withdrawal or use of funds with respect to such an entity, may be carried out without regard to certain requirements of Federal statutes to the extent necessary to protect intelligence sources, methods, and activities from unauthorized disclosure. The provision grants to the Secretary of Defense extraordinary authority to waive the applicability to an intelligence commercial entity of requirements in a broad spectrum of Federal statutes to the extent necessary to protect intelligence sources, methods, and activities from unauthorized disclosure. Without the waiver authority, an intelligence commercial entity would be obliged to observe Federal statutes that normally apply to U.S. Government instrumentalities but do not apply to a bona fide commercial entity. Such inconsistency between the conduct of an entity and its ostensible private commercial status might reveal to an interested observer, such as an intelligence or security service of a foreign power, that the entity is not what it claims to be, risking the compromise of commercial cover and of the foreign intelligence collection activities of the entity.

Section 434(c) enumerates the categories of statutes subject to the waiver authority, which are those related to Federal appropriations, Federal receipt and use of funds other than appropriated funds, Federal acquisitions, Federal property management, Federal services management, Federal information management, Federal tort claims, Federal employment, or Federal government corporations. A statute within those categories ceases to apply if, and to the extent that, the Secretary of Defense certifies that compliance with the statute would be inconsistent with the protection of intelligence sources, methods, or activities from unauthorized disclosure. A statute is waived only to the extent that compliance would be inconsistent with such protection. Thus, the Secretary's authority extends not to blanket waiver of the applicability of the statute, but only to waiver of the applicability of the particular requirements of that statute which would be inconsistent with the protection of intelligence sources, methods, or activities from unauthorized disclosure (which may, in some cases, amount to waiver of the applicability of the entire statute).

Section 434 makes clear that the Secretary's waiver authority does not apply with respect to the subchapter enacted by this legislation (subchapter II of chapter 21 of Title 10 of the United States Code), with respect to Title V of the National Security Act

of 1947 (which relates to congressional oversight of intelligence activities), or with respect to the War Powers Resolution. Nothing in the legislation in any way limits the role in the Congress in oversight of intelligence activities and military activities.

SECTION 435

Section 435(a) makes clear that the subchapter enacted by the legislation (subchapter II of chapter 21 of Title 10 of the United States Code) does not constitute authority for the conduct of intelligence activities other than those expressly authorized by the subchapter. Thus, the subchapter provides authority for establishment and use of intelligence commercial entities to provide cover for DOD foreign intelligence collection activities, but does not provide the authority for those underlying foreign intelligence collection activities.

Section 435(b) establishes clear limitations on the activities of intelligence commercial entities and their personnel within the United States. They may engage within the United States only in training, administration, and recruitment of non-U.S. persons to serve subsequently outside the United States in foreign intelligence collection activities as sources of intelligence information or of operational assistance. Administration which intelligence commercial entities may conduct within the United States includes the full range of support activities necessary to establish, operate, and terminate a commercial entity, such as finance, logistics, and procurement. The limitation of domestic activity to training, administration, and recruitment of sources for service abroad ensures that intelligence commercial entities within the United States will have strictly a foreign focus and will not engage in domestic intelligence activities.

Section 435(c) provides that no intelligence commercial entity may have as its overt activity communications media activity, religious activity, munitions production or marketing, or security-related services.

The prohibition against the overt activity of an intelligence commercial entity being communications media activity protects against the possibility of media activity by an entity having an accidental or intentional effect on U.S. domestic political processes. The prohibition prevents establishment of intelligence commercial entities to engage in commercial radio or television broadcasting; newspaper, book or magazine publishing; or wire services. The prohibition does not prevent incidental commercial use of communications media by an entity if prevailing commercial practices so require. Thus, for example, if an entity is engaged in a cover business of a type in which one would normally place commercial advertisements or solicitations in a local newspaper, the entity may do so.

The prohibition against the overt activity of an intelligence commercial entity being religious activity protects the integrity of religious freedom and religious institutions.

The prohibitions against the overt activity of an intelligence commercial entity being production or marketing of munitions, or being security-related services, prevent the possibility of use of such an entity to circumvent United States arms transfer policies or to implement those policies. The Arms Export Control Act, the Foreign Assistance Act, and the statutory mechanisms for covert arms transfers govern the transfer of defense articles and services. The prohibitions do not in any way prohibit the personnel of an intelligence commercial entity from defending themselves.

Section 435(d) requires that every U.S. person employed by, or assigned or detailed to, an intelligence commercial entity be in-

formed prior to employment, assignment, or detail that the entity is an instrumentality of the United States engaged in foreign intelligence collection activities. The provision thus prohibits unwitting employment, assignment, or detail of United States persons.

Section 435(e) defines U.S. persons for purposes of Section 435 as U.S. citizens and aliens admitted to permanent residence in the United States.

SECTION 436

Section 436(a) requires the Secretary of Defense, after consultation with the Attorney General and the Director of Central Intelligence, to prescribe regulations to implement the legislation and specifies a number of requirements which those regulations must satisfy.

The Secretary's regulations must provide for effective centralized oversight by the Office of the Secretary of Defense of the use of the authority for intelligence commercial entities granted by the legislation. The requirement for centralization of the internal oversight role promotes consistency among DOD components in establishing policies and practices concerning intelligence commercial entities and facilitates effective oversight of intelligence commercial entities by appropriate non-DOD entities, such as the Congress. The requirement that the internal oversight role occur at the departmental level, rather than at the lower level of the individual military departments, defense agencies, or other components which may use intelligence commercial entities, ensures appropriate high-level attention within the Department of Defense to any problems which may come to light in the course of internal oversight activities.

The Secretary's regulations must provide management, operational, security, legal, and accounting controls for all matters relating to intelligence commercial entities. The Secretary's careful design and establishment of strict controls will be of critical importance, especially given that such controls often may replace statutory controls which the legislation authorizes the Secretary to waive in certain circumstances.

The Secretary's regulations must provide for appropriate coordination of the activities of intelligence commercial entities with the Department of State, the Federal Bureau of Investigation, and the Central Intelligence Agency, which have primary responsibility for foreign policy, counterintelligence and law enforcement within the United States, and intelligence and counterintelligence outside the United States, respectively.

The Secretary's regulations must ensure compliance with the subchapter enacted by the legislation (subchapter II of chapter 21 of Title 10 of the United States Code), with Title V of the National Security Act of 1947 (relating to Congressional oversight of intelligence activities), and with the War Powers Resolution.

Section 436(b) requires the Inspector General of the Department of Defense to conduct, at least annually, a review of activities undertaken under the subchapter enacted by the legislation (subchapter II of chapter 21 of Title 10 of the United States Code). Each such review must include, but is not limited to, the programs and operations of intelligence commercial entities and a financial audit of the activities of such entities. The Inspector General must report on the reviews to the Secretary of Defense and the intelligence committees of the Congress.

SECTION 437

Section 437(a) provides that intelligence commercial entities are instrumentalities of the United States. As such, they enjoy

August 6, 1987

CONGRESSIONAL RECORD — Extensions of Remarks

E 3307

within the constitutional scheme the same immunities and privileges enjoyed by other Federal instrumentalities. Thus, for example, they share in the sovereign immunity to suit of the United States Government to the same extent as other Federal instrumentalities.

Section 437(b)(1) explicitly preempts the applicability of State laws to, and the jurisdiction of State courts over, intelligence commercial entities. Thus, intelligence commercial entities will be subject exclusively to Federal law and court jurisdiction.

Section 437(b)(2) provides that, although intelligence commercial entities are not subject to State law and State court jurisdiction, they may engage in conduct which appears to comply with State laws and State court jurisdiction, if the Secretary of Defense certifies that doing so is necessary to protect intelligence sources, methods, or activities from unauthorized disclosure or is necessary in the interests of justice.

Under the authority, with the appropriate certification, an intelligence commercial entity may engage in conduct which appears to comply with State laws in the same manner as would a bona fide commercial entity. Thus, for example, if the Secretary certifies that protection of intelligence sources, methods, or activities requires doing so, an intelligence commercial entity could incorporate in a State in the same manner as a bona fide commercial entity, even though that State's incorporation laws do not actually apply to the entity and even though those laws do not provide for incorporation by Federal instrumentalities. Similarly, even though Federal instrumentalities are not subject to State taxation, if the Secretary makes the appropriate certification, an intelligence commercial entity may file State tax returns and remit State taxes.

With the appropriate certification, an intelligence commercial entity may engage in conduct which appears to submit to State court jurisdiction in the same manner as would a bona fide commercial entity. Thus, for example, if the Secretary certifies that protection of intelligence sources, methods, or activities, or the interests of justice, require doing so, an intelligence commercial entity might participate in a lawsuit in State court based on breach of a commercial contract in the same manner as would a bona fide commercial entity.

The Department of Defense may well make substantial use of the authority for intelligence commercial entities to engage in conduct appearing to comply with State commercial laws, since it may become the Department's practice to establish such entities by incorporation or registration under the laws of the several States. In contrast, the Department should only rarely need to use the authority for intelligence commercial entities to engage in conduct appearing to submit to the jurisdiction of a State court, because the authorized activities of such entities within the United States are quite restricted, and thus are not likely to give rise to many situations in which appearing to submit to State court jurisdiction would be appropriate.

Section 437(c) provides that, for the purposes of Section 437, the term "State" means any State, the District of Columbia, and any territory, commonwealth, or possession of the United States.

SECTION 438

Section 438 provides that the Secretary of Defense may delegate his authority, functions, and duties under sections 431(a), 434(b), 436(a), and 437(b) of Title 10 of the United States Code, as enacted by the legislation, only to the Deputy Secretary of Defense. By requiring that only the Secretary

or the Deputy Secretary of Defense may exercise the authority, functions, and duties set forth in these subsections, the legislation ensures high-level attention to particularly sensitive decisions involving intelligence commercial entities.

Under Section 438, the Secretary may delegate only to the Deputy Secretary the authority to authorize establishment and operation of an intelligence commercial entity, or to renew authorization for operation of such an entity (Sec. 431(a)); the authority to waive the applicability of certain Federal statutes based upon the requisite certification (Sec. 434(b)); the authority to issue implementing regulations (Sec. 436(a)); and the authority to permit intelligence commercial entities to appear to comply with State laws and to appear to submit to State court jurisdiction (Sec. 437(b)). Authorities, duties, and functions provided in the legislation, other than those specifically cited in Section 438, are subject to delegation in accordance with Section 113(d) of Title 10 of the United States Code.

The limitation on delegation of certain specified authorities, duties, and functions will not place an inordinate administrative burden on the Secretary and the Deputy Secretary. Exercise of the authority establishment and operation of an intelligence commercial entity will occur only once for each entity, and subsequent renewals of authority to operate such entities will occur only when the previously authorized period of operation expires. Exercise of the authority to waive various Federal statutory requirements applicable to an entity, to authorize apparent compliance with State laws, and to authorize apparent submission to State court jurisdiction, will often accompany the authorization to establish and operate the entity, although changes with respect to an entity may be necessary from time to time. Exercise of the authority to issue implementing regulations should occur only once, with changes to such regulations thereafter occurring only occasionally, as experience demands. The greatest administrative burden upon the Secretary and the Deputy Secretary will thus occur at the time of creation of an intelligence commercial entity, when the nature and the scope of its activities and the legal regime governing it are established. Cabinet-level involvement in decisions of such sensitivity at that time is appropriate.

SECTION 439

Section 439 defines the terms "commercial entity," "foreign intelligence collection activities," and "intelligence activities" as used in subchapter II of chapter 21 of Title 10 of the United States Code, as enacted by the legislation.

The definition of "commercial entity" comprehends all forms of legal entities, whether within or outside the United States, that are non-governmental in appearance. The term is used in Section 431.

The definition of "foreign intelligence collection activities" comprehends only collection by Department of Defense components, such as the military departments or defense agencies, of foreign intelligence or counterintelligence information, and related support activities. It does not include any other types of intelligence activities, such as counterintelligence operations or covert action. The legislation authorizes establishment and authorization of intelligence commercial entities only to provide cover for foreign intelligence collection activities. The term is used in Sections 431 and 435.

The definition of "intelligence activities" comprehends all intelligence and intelligence-related activities of the United States

Government. The term is used in Section 435.

CHICK DONOHUE GOES TO HARVARD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. MANTON. Mr. Speaker, we are all familiar with the 19th century mythical character, Horatio Alger. Alger became an image for generations of Americans as he successfully climbed the economic ladder in American society. Now, in the latter half of the 20th century, many sociologists claim Horatio Alger is dead. These pundits point out that the American success story of local boy or girl making good does not happen very often any more. They claim those born of modest means are destined to remain that way, while those of the privileged class continue to perpetuate themselves.

Mr. Speaker, I am here today to tell my colleagues the professors and polltakers are wrong. Horatio Alger is alive and well, and his name is Chick Donohue.

Chick Donohue was born in Manhattan of Irish immigrant parents. He attended Rice High School, run by the Christian Bros. at 124th Street and Lenox Avenue in Harlem, but dropped out to join the Marine Corps. After leaving the service, Chick worked as a merchant seaman. For the past 10 years he has worked as a sandhog. Sandhogs such as Chick are tunnelworkers who are currently building the third water tunnel between Manhattan and Long Island.

The sandhogs are hardworking, honest but unassuming guys. Chick is no exception. Now, however, Chick is about to embark on a new career which is far removed from the water tunnel: Chick Donohue is going to Harvard to get a masters in public administration at the Kennedy School of Government.

How does a high school dropout make it to Harvard? Chick, in addition to his tunnelwork duties, also serves as the union's political director. During the past decade he has come to know a lot of influential people in New York and Washington. Many of them know that although Chick has no high school or college degree he is a very smart man. They were happy to serve as references and Harvard was wise to listen to Chick's references rather than to look solely at his academic record.

Mr. Speaker, anyone who knows Chick understands that Chick will more than hold his own with the young intellectuals in his class. In fact, we all know that Chick's education in the real world will permit him to teach those youngsters a thing or two about life outside the Ivory Tower.

Mr. Speaker, Dennis Duggan, who writes the New York diary column in the New York Daily News, devoted his Sunday column to Chick's departure from the tunnel to Harvard Yard. The column catches a small glimpse of my good friend Chick Donohue's wit and wisdom. I strongly recommend my colleagues take a moment to read about one of America's true success stories. Horatio Alger would be proud.

Mr. Speaker, I include the article in the RECORD at this point:

E 3308

CONGRESSIONAL RECORD — Extensions of Remarks

August 6, 1987

CAMBRIDGE WILL NEVER BE THE SAME AGAIN

It doesn't surprise the 24th Precinct's Lt. Richard Duggan, who grew up in the Inwood section of Manhattan with sandhog Chickie Donohue, that Chickie is going to Harvard University starting tomorrow morning.

"Nothing he does could ever surprise me," says Duggan, who still talks about how Donohue showed up at his foxhole in the jungles of the Quang Tri province in Vietnam in 1968 with a six pack of beer.

"What in the hell are you doing here?" Duggan, who was with the First Cavalry, asked Donohue, who had begun his long journey after a night at an Irish bar in Inwood. Someone had said there ought to be a way of showing support for Duggan and some other neighborhood men who were fighting in Vietnam.

"I'll do it!" shouted Donohue, who was then a merchant marine.

The next night everyone kept asking Donohue when he was leaving. It was then he realized that to save face he had to at least make an attempt.

He boarded a munitions ship, the S.S. Victory in Leonard, N.J., and 30 days later arrived in Vietnam. The story gets involved, but Donohue hitchhiking rides on helicopters and mail planes from incredulous officers and pilots, finally made it to Duggan's unit.

"I thought I was in the twilight zone when I saw Chickie," says Duggan. "When I asked him what he was doing in the middle of the jungle, he said, 'I was in the neighborhood and I thought I'd drop in.'"

Later, after he had been given a 45-cal. pistol and he realized he was going to have to sleep in a foxhole for a few days, Donohue said to himself, "Chickie, this was a dumb thing to do."

Donohue lives now in the Woodlawn section of the Bronx with his wife, Theresa, and their two children. He dropped out of Rice High School, run by the Christian Brothers at 124th Street and Lenox Avenue in Harlem, to join the U.S. Marine Corps, and has been a sandhog in the third water tunnel for the past 10 years.

But work in the tunnel has been slow lately and when Chickie heard about Harvard's mid-career degree program for a master's in public administration he decided that's what he wanted to do.

He knew that the competition would be fierce and that an Irish high school dropout wasn't perhaps high on the school's list. But Donohue began calling friends and politicians he had met as head of the sandhog union's political action arm for help.

"I thought, why the hell should I let some unknown at Harvard decide my fate," said Donohue at a party last week celebrating his admission to the Ivy League school.

"I called in all my chits," said Donohue at the party at Rumm's on East 46th Street, where priests, politicians, sandhogs, actors, bartenders and cops ate and drank and told Chickie Donohue stories.

"He'll be the only guy up there without some sort of a degree," said Tommy Kelly, 25, a sandhog and a protege of Donohue's, who is already studying at Harvard and who will be Chickie's roommate for the next year.

Kelly, who worked nights as a "hog" and went to Fordham where he graduated last year, is studying for a master's degree at the Kennedy School of Government at Harvard. He says of Donohue, whom he met several years ago, "He's one the smartest guys I've ever met."

Paul Delaney, a cousin says, "Chickie is the kind of guy who after you meet him you'd find you're working for him."

"It's not that he uses people," says Delaney, "it's just that he makes you use yourself."

The people at Harvard must have wondered who the hell Chickie Donohue was when letters of recommendation began pouring in from Sen. Daniel Moynihan, former Representative Geraldine Ferraro, and George A. Fox, president of the board of trustees at Cooper University and also president of the Grow Tunneling Corp., for whom Chickie worked.

"In my opinion John Donohue is an ideal candidate for admission" to Harvard, wrote Fox, who described Donohue as "likable and personable." His admission to Harvard, Fox wrote, "will greatly enhance his ability for effective leadership in the labor movement and to the community of New York City."

His wife, Theresa, formerly O'Neill, had a flier printed last week that read "Chickie Donohue Goes to Harvard," inviting his friends to come to Chickie's going-away party.

He had been accepted into the one-year program which includes a four-week transitional course starting tomorrow. The letter noted that competition is "extremely rigorous," and that "your selection by the Admissions Committee attests to our confidence in your outstanding ability and potential for leadership in public service."

The Rev. Keith Fennesay, now with the Sacred Heart Church in Suffern, said of his longtime friend Chickie that "If I had to predict that anyone from the old neighborhood would go to Harvard I would have said Chickie Donohue. There are a lot of plastic people in the labor movement and in politics, but Chickie is the real thing."

"He's a pistol," said Bronx City Councilman June Eisland. "He's got street smarts and he has a conscience."

Chickie's friends have been kidding him, and writing notes addressed to "Professor Donohue" But Chickie has had to take out a second mortgage on his home to pay for the \$14,000 tuition and expenses; friends like Wall street broker William Mutrow say they plan a fund raising party to help him defray expenses.

"My wife and I and the kids see this as an opportunity and a statement to the kids that they can go to Harvard, too," says Chickie, who often cites how a plumber from the Bronx named George Meany became president of the American Federation of Labor.

"Hey," asks Chickie, "if he could do it why can't Chickie Donohue?"

TRAGEDY STRIKES TWO YOUTHS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mrs. BENTLEY. Mr. Speaker, America is a country of bountiful resources, yet no resource is as precious as its young people. They will be tomorrow's legislators, tomorrow's work force, and tomorrow's decision-makers. Whether or not America survives to see the tricentennial of its Constitution is a burden which rests largely upon their shoulders.

Yet no resource is unlimited; 1985 statistics indicate that over 19,000 people between the ages of 15 and 24 die as a result of accidents, with 14,000 deaths being the result of accidents involving automobiles. A number of tragedies in my district have made me keenly

aware of the fact that America is losing its most precious resource, one which can never be replaced.

I would like to introduce you to two of these people. Both had bright minds and promising futures, and both left impressions on the minds of those they loved that will never die. The great promise they displayed makes them worthy of our remembrance. Their immense potential makes them deserving of a classification more than that of a "victim" or "statistic." These were two of my people, and I feel that it is right that their story be told here.

Ceres Millicent Horn was the type of girl about whom the word "brilliant" seemed to have been created. She breezed through McDonough School in 3 years, leaving behind a transcript showing nothing but "A's." At the age of 16 she was a freshman at Princeton University majoring in astrophysics. She had dreams of becoming an astronaut, a dream which I am sure would have come true if the Amtrak train on which she had been riding back to school after the holidays had not collided with a Conrail locomotive.

Ceres was indeed something special. Her wit, intellect, and energy illuminated the lives of all her teachers, schoolmates and friends. She combined her intellectual gifts with a sincere desire to get involved with her school through such extracurricular activities as theatre and sports. Her true and sincere concern for her family, however, is probably her greatest legacy.

On her high school senior yearbook page she wrote to her sister Corinne, "I hope you'll never forget how much I love you. I'll always be there for you." Unfortunately Ceres can't be there for her sister anymore, yet the memory of the love she had for her and for the rest of her family endures. In her short life Ceres was able to reach out to others and make known her feelings to them. Though she was taken away abruptly Ceres' life was not an empty one, for the person who is able to show the love and concern that they have for others has lived a rich life indeed.

Kimberlee Joy Abbott is another young lady whose full and promising life came tragically to an end in an auto accident. She was an honor student at Franklin Senior High School, and she, too, left behind a loving family and many loving friends upon whose lives she enriched immeasurably.

The story of Kim's life is one of leadership and volunteerism. She was a longtime member of her school's student council throughout both junior and senior high school. Her abilities were recognized, and she moved up to the Baltimore County Student Council, where she served on the executive board. She was appointed to the Maryland Association of Student Councils, where she served as State membership cochairperson. In addition, Kim was named Franklin High School's 1986 Ambassador to the Hugh O'Brian Youth Foundation Program. In each case Kim worked to encourage support and involvement among her peers. Her input and activities were always positive, and she demonstrated that, in her youth, she had the makings of a true leader.

Kim also reached out to her community through her volunteer activities. She was Baltimore County's youngest volunteer worker in 1984. She did extensive work with Pets on Wheels, a program in which she traveled to